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## OSCE's Mediterranean Engagement on the Eve of the 40th Anniversary of the Helsinki Final Act



### ABSTRACT

This paper addresses the current state and prospects of the OSCE's Mediterranean engagement. It argues that, although the current volatile situation in the Mediterranean is a major obstacle to closer cooperation with the South-Mediterranean partners, the OSCE's comprehensive and cooperative approach to security can be of help to deal with conflicts and failing states in the region. The OSCE can also provide useful assistance to states that move towards domestic reform and embrace regional cooperation. Political dynamics in the Mediterranean should be increasingly based on interaction, conflict prevention and cooperative relations, and there is space for frameworks such as the OSCE to contribute to this endeavour in cooperation with other players, such as the United Nations, European Union, NATO and the Council of Europe, but also regional organisations. Such an engagement would require reasserting the Helsinki Final Act vision and making the dialogue with Mediterranean Partner States more effective, responsive and operational and, most importantly, less process- and more result-oriented.

OSCE | Mediterranean | Security

keywords

# OSCE's Mediterranean Engagement on the Eve of the 40th Anniversary of the Helsinki Final Act

by Monika Wohlfeld\*

## Introduction

This paper addresses the current state and future prospects of the Mediterranean engagement of the Organization for Security and Cooperation in Europe (OSCE), in the context of the process "Helsinki +40". This process aims at the preparation of the 40th anniversary of the Helsinki Final Act from 1975, the founding document of the Conference on Security and Cooperation in Europe (CSCE) and its successor – the OSCE. The paper is not a chronological account aimed at describing the organic way that this engagement has grown and developed in the past 40 years, but rather an effort to focus on key elements of the partnership with Mediterranean countries and possible ways forward.<sup>1</sup>

The first section of the paper briefly presents the general situation in the Mediterranean region as one marked by many challenges but also great need for cooperation. The paper then focuses on the more visionary aspects of the OSCE's approach to Mediterranean security and cooperation including in the context of the Helsinki +40 process. The following section focuses on the "geographical reach" of the Mediterranean dialogue, including the issue of criteria for engaging with Mediterranean countries. The structure of the dialogue and some of its challenges are analysed. The central themes of the dialogue and the actors that it engages are presented in the following sections. The final section of the paper recapitulates the key aspects of a possible way forward for the OSCE's Mediterranean engagement.

<sup>1</sup> The paper does not include a discussion of the Asian dialogue of the OSCE, although it is worth noting that many of the issues discussed here have implications for the Asian dialogue as well.

\* Monika Wohlfeld is the holder of the German Chair for Peace Studies and Conflict Prevention at the Mediterranean Academy of Diplomatic Studies, Malta.

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## 1. A brief assessment of the general situation in the Mediterranean region

This is a difficult moment in history to discuss any sort of cooperative engagement in the Mediterranean region. There are many reasons for this: severe geopolitical shifts are taking place, alliances are changing, and new players are involved in the region. The situations in Syria, the Middle East, Iraq and Libya have all flared up, and need to be addressed before cooperative structures can be established. Transnational threats in the Mediterranean region (migratory pressures, trafficking of human beings, small arms and light weapons - SALW, and terrorism, to give some examples) are not adequately addressed. In addition, the fall-out of the so-called "Arab Spring" events has further differentiated and divided the region. The challenges of transition will remain a defining feature for a number, if not all, of the countries in North Africa for the foreseeable future.

But this is also a key moment in history: popular movements are reconfiguring economic, political and social realities in a number of countries, just as much as they are forcing a rethinking of the role of the state, and arguably also the relationships among states across the region. These developments beg for attention from policy-makers everywhere, but particularly in neighbouring regions, as they may provide opportunities for more interaction. Joint efforts to address transnational threats and challenges of transition could generate the confidence necessary for overcoming divisions and for creating regional dynamics based on cooperation rather than conflict. Although most of the efforts currently focus on bilateral engagement through organisations such as NATO and the European Union, there is certainly also a role for the OSCE.

The OSCE has indeed some advantages: its broad membership – including the USA and Canada, Russia and Turkey; its comprehensive approach to security; its flexibility and ability, where consensus is found, to respond to events quickly; and its focus on interaction with people. The OSCE's support for transition and democratisation processes as well as its involvement in conflict management in its participating States provides it with applicable experience and best practices. Although it is sometimes argued that the Central and Eastern European transition experience is not fully, or not at all, relevant for countries in North Africa, the OSCE's experience provides important examples and expertise, if used in a context-appropriate way. The Organization also has a long-standing, structured dialogue with a number of Mediterranean Partners, based on the 1975 CSCE Helsinki Final Act and subsequent decisions and commitments. This dialogue is a good basis for working with the countries from the Mediterranean Sea's southern shore, but there is a need to adjust it to the new realities on the ground and to identify possibilities to make it more goal- rather than process-oriented. Ideally, these processes should be accompanied and supported by a clear statement of purpose and vision for the OSCE's Mediterranean dialogue. This, however, could be a very tough sell in an organisation currently so much focused on its internal divisions and conflicts, and recently preoccupied by the Ukraine crisis.

## 2. The OSCE's Mediterranean dialogue: concept and vision

### 2.1 The guiding vision

What is the vision that guides the dialogue of the OSCE with its Mediterranean Partners? The key reference here is the section of the 1975 CSCE Helsinki Final Act entitled somewhat clumsily "Questions relating to Security and Cooperation in the Mediterranean." This text is often pointed to, but rarely analysed, apart from referring to Malta's role in the process of negotiating this part of the historical document. Michael Mosser writes that while Malta saw the Mediterranean as key to its security, "few of the other participating States saw the Mediterranean as anything more than tangential to the 'major' issues of the process, which were the discussions surrounding the borders of East and West Europe and human rights."<sup>2</sup> Malta's insistence on the inclusion of the Mediterranean Chapter – it went as far as to threaten to block the decision on the Helsinki Final Act – caused considerable tension but was eventually successful. The difficulties in bringing together the views of states with very different Mediterranean interests and policies were substantial. To some degree, this has remained a characteristic of the Organization's dialogue with the Mediterranean Partner States, which shapes its ability to respond to the changing situation on the ground.

The Helsinki Final Act asserts that security in Europe is closely linked with security in the Mediterranean area as a whole. Significantly, the participating States declare their intention "to include all the States of the Mediterranean" in the dialogue, "with the purpose of contributing to peace, reducing armed forces in the region, strengthening security, lessening tensions in the region, and widening the scope of co-operation."<sup>3</sup> The document refers in broad terms to security issues, but also to economic cooperation and trade and commercial relations, and one paragraph is dedicated to environmental issues in the Mediterranean. References to what is now defined as the Human Dimension are largely absent from the document, except for one mention of "justice" in the context of peace and security in the region. The fields of cooperation are, however, left generally open, referring simply to the intention "to promote further contacts and cooperation with the non-participating Mediterranean States in other relevant fields."<sup>4</sup>

Although numerous subsequent CSCE/OSCE documents as well as seminars and meetings have addressed the Mediterranean dimension of security, the substance of that relationship has been emerging only step-by-step through a painfully slow process. Several "soul-searching" exercises on the Mediterranean dialogue did not

<sup>2</sup> Michael W. Mosser, "Engineering Influence: The Subtle Power of Small States in CSCE/OSCE", in Erich Reiter and Heinz Gärtner (eds.), *Small States and Alliances*, Heidelberg, Physica Verlag, 2001, p. 70.

<sup>3</sup> CSCE, *Helsinki Final Act*, 1975, p. 37, <http://www.osce.org/mc/39501>.

<sup>4</sup> *Ibid.*

further the agenda significantly, nor bring any clear vision to it.<sup>5</sup> The nature and structure of the dialogue also did not change substantially in response to dramatic events such as 9/11, the EU's Mediterranean expansion, or arguably even the Arab Spring, which resulted in calling for more activities but within the existing framework and rules. This could, of course, indicate that the framework is flexible enough to accommodate all of the issues and events without the need for change, but it may also point to some missed opportunities.

Noteworthy is the fact that while the Helsinki Final Act has been hailed as visionary also due to its inclusion of the Mediterranean dimension, the dialogue with Mediterranean Partners itself has been largely devoid of any sweeping or visionary perspectives for the region. This has to be understood largely as a reflection of the situation on the ground in the Mediterranean region, and in particular the lack of sustainable peace in the Middle East. In the 90s, ideas aimed at exploring the possibility of replication of the CSCE/OSCE experience and model in the Mediterranean have been tabled, largely informally and unsuccessfully. One interesting and ambitious proposal was the creation of a Conference on Security and Cooperation in the Mediterranean (CSCM) based on the CSCE model,<sup>6</sup> which has however never gained traction. Many analysts studying the future of multilateralism in the Mediterranean region after the "Arab Spring" point out that any such framework would have to be inclusive, open to all states in the region and beyond (the Gulf states, Iran), capable of taking into account the security challenges of all its members, and flexible. Indeed, the CSCE and the OSCE are often pointed to as examples of such a framework. On the other hand it must be stressed that the multilateral and inclusive Union for the Mediterranean has not been able to thrive in the current situation in the Mediterranean, which underlines the difficulties any such framework would encounter. Consequently new multilateral frameworks for the Mediterranean based on the CSCE/OSCE model do not appear viable in the current situation of the region.

<sup>5</sup> For example, in 2004, an informal Group of Friends was formed to explore possibilities to improve the dialogue with the Partners for Co-operation. See "Report of the Chairperson of the Informal Group of Friends on the Implementation of Permanent Council Decision No. 571: The OSCE and its Partners for Co-operation," in OSCE, *Twelfth Meeting of the Ministerial Council*, Sofia, 6-7 December 2004 (MC.DOC/1/04), p. 106-134, <http://www.osce.org/mc/41813>.

<sup>6</sup> During a 1990 CSCE meeting in Palma de Mallorca this proposal was developed by the so-called "4+5 Group. A non-binding open-ended report was issued, declaring that a meeting outside the CSCE process could discuss a set of generally accepted rules and principles in the fields of stability, cooperation and the human dimension in the Mediterranean, when circumstances in the area permitted. Since then, if mentioned at all, the CSCM concept was only discussed in informal fora. See also Stephen C. Calleya, *Security Challenges in the Euro-Med Area in the 21st Century. Mare Nostrum*, London and New York, Routledge, 2012, p. 102-104.

## 2.2 The Helsinki +40 process

The Helsinki +40 process is meant to reinforce and revitalise the organisation in the lead-up to the 40th anniversary of the Helsinki Final Act in 2015. It aims at "adding a multi-year perspective and continuity to participating States" work towards a security community' in the OSCE area.<sup>7</sup> While this paper cannot provide an in-depth discussion of the concept and decision on building "a security community", some things need to be said at this stage: a security community is a bold vision, rooted in a theoretical framework first designed by Karl Deutsch and later developed by Emmanuel Adler and Michael Barnett. In short, it stands for "a community of states and societies whose values, social orders and identities converge to such a degree that war among them becomes unthinkable."<sup>8</sup> This implies efforts beyond those at the intergovernmental level and the establishment of multiple fora. But the concept of a security community also has an external dimension, as such communities cannot stay isolated from neighbouring states and regions and must be effective actors internationally. Although the OSCE's efforts in the Mediterranean are useful, it can hardly be claimed that the Organization is an effective actor in the region.

While the Helsinki Final Act prominently addresses the Mediterranean dimension, the OSCE decisions on Helsinki +40 speak only of a Euro-Atlantic and Eurasian security community – but not of a Euro-Mediterranean one. Indeed, browsing all relevant decisions on the Helsinki +40 process, there are only the rather marginal references to Mediterranean Partners: in 2013, the participating States "welcome that the forthcoming Chairmanships will further intensify contact with the OSCE Mediterranean and Asian Partners for Co-operation, other relevant organizations and partners, academia, non-governmental organizations and other representatives of civil society to provide contributions to the Helsinki +40 process."<sup>9</sup> And in 2014, they "encourage the Mediterranean Partners for Co-operation to contribute actively to the Helsinki+40 process."<sup>10</sup> The modalities of how Partner States would be involved in this work and how they could contribute were however not immediately clear, causing some dismay among the Partner States.

Indeed, two considerations need to be put forward here, given the current events in the OSCE area. The first one is that while some participating States have in the past criticised efforts to enhance dialogue with Partner States pointing out that there is plenty to do in the OSCE area, the Organization is currently even more inward-looking. The Ukraine crisis and the deep divisions within the OSCE are posing a

<sup>7</sup> OSCE, *Astana Commemorative Declaration: Towards a Security Community* (SUM.DOC 1/10/ Cor.1), Astana, 3 December 2010, <http://www.osce.org/cio/74985>; *Ministerial Council Decision on the OSCE Helsinki+40 Process*, Dublin, 7 December 2012, <http://www.osce.org/mc/97974>.

<sup>8</sup> Wolfgang Zellner (ed.), *Towards a Euro-Atlantic and Eurasian Security Community: From Vision to Reality*, Hamburg etc., IDEAS, October 2012, p. 7, <http://ideas-network.com/ideas-report.html>.

<sup>9</sup> OSCE, *Declaration on Furthering the Helsinki+40 Process* (MC.DOC/1/13), Kyiv, 6 December 2013, <http://www.osce.org/de/mc/109827>.

<sup>10</sup> OSCE, *Declaration on Co-operation with the Mediterranean Partners* (MC.DOC/9/14), Basel, 5 December 2014, <http://www.osce.org/cio/130561>.

critical test to its principles and methods of working, as well as placing a strain on its finances. Not only could this situation divert attention of its participating States from the cooperation with Mediterranean Partners, but it may also affect the Partners' perceptions of the Organisation's effectiveness and usefulness. Secondly, the Ukraine crisis undermines the notion and concept of a security community, thus making any far-reaching decisions at the forthcoming Summit unlikely. This applies also to the Mediterranean dialogue.

However, in view of the historical events in North Africa and the pressure by some states to join as Partner States, it would be useful at a minimum to restate the commitment to pursue the goals of the Helsinki Final Act and spell out clearly the purpose of the Mediterranean Partnership. To mention only some relevant questions: Is it a common space to address common problems and, if so, what are the means for addressing them? Is it a way to link up with countries interested in contributing to security in the OSCE area or with those that require the OSCE's assistance in addressing their own security challenges? Or is it a path for prospective participating States? In particular, answering the question of whether the dialogue is intended for countries that contribute to Euro-Atlantic and Eurasian security or those that require assistance (or possibly both) would shape the future of the OSCE's interaction with Mediterranean states.

### 3. Geographical reach of the dialogue

In the Helsinki Final Act "the participating States [...] declare their intention of maintaining and amplifying the contacts and dialogue as initiated by the CSCE with the non-participating Mediterranean States to include all the States of the Mediterranean."<sup>11</sup> In fact this vision has not been achieved.

At the inception of the dialogue, Algeria, Egypt, Israel, Morocco, and Tunisia as well as Jordan, Lebanon, Syria and Libya<sup>12</sup> were invited to CSCE meetings as "non-participating Mediterranean States". The first five (Algeria, Egypt, Israel, Morocco, and Tunisia) requested in 1993 a closer and more structured status, which was developed in a response from the participating States in 1994. In 1995, the five states became Mediterranean Partners for Cooperation (MPCs). Jordan requested to become a Mediterranean Partner in 1998, and the OSCE participating States reached consensus on this matter. No country has been added to this group of six states since 1998, although both the Palestinian National Authority (in 2004 and 2008) and Libya (in 2013) have formulated requests for admission as Partner States.

<sup>11</sup> CSCE, *Helsinki Final Act*, cit., p. 37.

<sup>12</sup> For example, representatives of the non-participating Mediterranean States Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Syria and Tunisia were invited to the Palma de Mallorca Mediterranean follow-up meeting held in 1990. See OSCE, *Concluding Document of the Third Follow-up Meeting*, Vienna, 15 January 1989, <http://www.osce.org/mc/40881>.

The Palestinian requests have never been formally tabled for decision by participating States, due to lack of consensus. In 2013 the OSCE Parliamentary Assembly called upon the OSCE "to grant the status of Mediterranean Partner for Cooperation to the State of Palestine, following the Palestinian Authority's request of November 2004," but also to develop criteria for such decisions.<sup>13</sup> There has been no response from the participating States to this resolution so far.

Clearly, some participating States and Israel does not consider Palestine a proper state, and do not wish to see the OSCE becoming another forum for discussion of Middle Eastern conflicts. In the case of Libya, while some participating States (for example Austria and Malta<sup>14</sup>) feel strongly that Libya is a missing link in the OSCE's dialogue with Mediterranean Partners and a number of OSCE States have actively supported the Libyan application, others point out that in the current context Libya's membership would be problematic. There is widespread scepticism about admitting as a Partner that some consider a failing state.

Both the Palestinian National Authority and Libyan representatives, despite not being granted the status of Partner States, are being involved in some activities, such as events of the OSCE Parliamentary Assembly or OSCE Seminars (at invitation of the host countries).

What are the criteria on which participating States base their decisions to support or oppose the application of a State to become a Mediterranean Partner? There are no formal criteria to be fulfilled in order to obtain the status. Informal criteria have been developed in 2001 in a report of an informal open-ended working group (the so-called Ladsous report), which the Permanent Council took note of and welcomed. The document specifies that to become an OSCE Partner for Cooperation, a formal request should be made to the OSCE Chairmanship. A consultation process follows, during which the participating States take into consideration several factors. These factors, described as "neither exclusive nor cumulative," include close relations between the applicant and the OSCE, common security interests, intention to participate actively in the OSCE's work, sharing of OSCE's principles, and finally value of the partnership to the OSCE.<sup>15</sup> There has to be formal consensus among the participating States to admit a new Partner. Informally, existing Partner States

<sup>13</sup> Resolution on Enlarging the Partnership with Non-Member Mediterranean States to Include the Palestinian National Authority, para 7, in *Istanbul Declaration and Resolutions adopted by the OSCE Parliamentary Assembly at the Twenty-second annual session*, Istanbul, 29 June-3 July 2013, p. 31, <http://www.oscepa.org/meetings/annual-sessions/2013-istanbul-annual-session>.

<sup>14</sup> See Austria Federal Ministry for Europe, Integration and Foreign Affairs, *Waldner: Libya should be granted OSCE partner status*, 6 December 2013, <http://www.bmeia.gv.at/en/foreign-ministry/news/press-releases/2011/waldner-libyen-soll-partnerschaftsstatus-in-der-osze-bekommen.html>. See *Statement by George W. Vella at the 20th OSCE Ministerial Council Meeting*, Kiev, 5-6 December 2013, <http://www.osce.org/mc/110047>.

<sup>15</sup> See "The OSCE and its Partners for Co-operation. Report of the Chairperson of the Informal Group of Friends on the implementation of Permanent Council Decision No. 571", in *Twelfth Meeting of the Ministerial Council*, Sofia, 7 December 2004 (MC.DOC/1/04), p. 106-134, <http://www.osce.org/mc/41813>.



are also consulted on such decisions. The issue of criteria was reviewed in 2004, but the majority of participating States felt comfortable with this flexible approach.

In view of the Palestinian and Libyan applications, and the recommendations of the OSCE, it is becoming increasingly clear that, although a number of countries prefer the flexibility of the current approach, the criteria for acceptance as a Partner State should be spelled out clearly to make the process more predictable and open. The criteria should reflect the purpose and aim of the OSCE's Mediterranean dialogue and could be based on geographical and/or functional considerations.

The geographical criteria have already been touched upon by the Helsinki Final Act but also the referral to the OSCE as a Euro-Atlantic and Eurasian framework. However, in order to be effective, in particular in addressing transnational challenges, the dialogue would need all key players, going beyond the original group of countries engaged as a result of the Helsinki Final Act, and possibly even beyond the southern shore of the Mediterranean (the Gulf States, Iran).

The functional criteria could focus on states that are security providers in the context of the OSCE, that would mean that they do, or wish to, contribute to security and cooperation in the OSCE area, and/or security consumers, that is, states that suffer from security challenges and transnational threats (that may also be affecting the OSCE area) and require assistance in addressing them. It needs to be said, however, that in most cases prospective Partner States could be understood as both (at least potential) security providers and security consumers. Theoretically, the functional criteria could also refer to a country's interest and willingness to pursue a course of reform and democratisation based on the OSCE principles, but that seems rather improbable in the context of an organisation that is inclusive, and whose members pursue divergent approaches to reform and democratisation.

In view of the above considerations, it would be worthwhile restating the Helsinki Final Act's goal of involving all Mediterranean states in the dialogue, as long as they fulfil the criteria for acceptance and request admission as Partner, on a case-by-case basis. Should this not be possible due to lack of consensus, periodic outreach meetings or specific events could be envisaged for all countries from the region that would have an interest in participating.

However, contacts with individual Partner States in the Mediterranean are, for some years now, not the only conduit for relations with the region. In principle, the OSCE can pursue contacts with regional organisations outside its area in the context of the United Nations (UN), in particular under the Chapter VIII of the UN Charter and in accordance with a number of its own documents, which refer to *inter alia* the Organisation of the Islamic Conference, the League of Arab States and the African Union. While another section of the paper focuses on cooperation with such organisations, it is worth underlining here that the links with these regional organisations, apart from giving a role to Partner States, allow for communication with states that are not part of the Mediterranean dialogue (while at the same time foregoing the need to accommodate them in the structured framework of the

Dialogue itself). Thus, the pursuit of closer relations with regional organisations such as the League of Arab States under the chapeau of the UN could allow for enlarging the geographical scope of the dialogue.

However, the body of OSCE documents does not provide a clear-cut and solid basis for cooperation with such organisations, as the key document in that respect, the 1999 Platform for Cooperative Security applies to "organizations and institutions concerned with the promotion of comprehensive security within the OSCE area only."<sup>16</sup> Thus, the Mediterranean dialogue could benefit from a clear reference to a role of the OSCE as a platform for cooperation with organisations in the Mediterranean region, under the chapeau of the UN, if that is wished for by the OSCE's MPCs.

The final issue that has to be spoken of here is the possibility for MPCs to become participating States. Arguably, there has not been any visible interest or effort to enlarge the OSCE to include Partners or other states as participating States, and the Partnership concept was not conceived to allow for enlargement of the organisation. However, the situation changed recently, as Mongolia, an Asian Partner for Cooperation since 2004,<sup>17</sup> indicated in a letter to the OSCE Chairperson-in-Office in October 2011 that it would like to become a Participating State and was accepted as one by OSCE participating States in November 2012.<sup>18</sup> The consensus-based decision contains, however, a statement by the Russian Federation which specifies that it does not see it as a precedent.<sup>19</sup> The Russian Federation added that "we support the Chairmanship's proposal to initiate a discussion within an informal working group on the elaboration of criteria for the participation and admission to the OSCE of new participants."<sup>20</sup> Indeed, it would be important for the notion of dialogue with Partner States to elaborate whether this status is also a way for those who are interested to become a participating State of the OSCE, especially since some States may feel encouraged by the example of Mongolia. Surely, the perspective of joining the Organization could have the potential of changing the dynamics of the Mediterranean dialogue (although it can hardly be expected to have the same pull-and-push effect as the enlargement policies of, for example, the European Union).

<sup>16</sup> OSCE, *Istanbul Summit Document*, 1999, p. 43, <http://www.osce.org/mc/39569>.

<sup>17</sup> While the Mediterranean dialogue has its roots in the 1975 CSCE Final Act, one more recent development was the introduction of the OSCE Asian dialogue. Japan's partnership started in 1992; Korea's in 1994; Thailand's in 2000; Afghanistan's in 2003; Mongolia's in 2004 (and Australia's in 2009).

<sup>18</sup> OSCE, *Ministerial Council Decision No. 2/12: Accession of Mongolia to the OSCE* (MC.DEC/2/12), 21 November 2012, <http://www.osce.org/mc/97439>.

<sup>19</sup> *Ibid.* See the attachment: *Interpretative Statement under Paragraph IV.1(A)6 of the Rules of Procedure of the Organization for Security and Co-operation in Europe*. Russia stated that "the adoption of the decision on the admission of Mongolia cannot be regarded as setting a precedent for other OSCE Partners for Co-operation and other States that are not participating States of the OSCE."

<sup>20</sup> *Ibid.*

## 4. Structure

In its section on security and cooperation in the Mediterranean the Helsinki Final Act spelled out a number of rather ambitious goals of this cooperation – such as development of good-neighbourly relations, increase of mutual confidence, and promotion of security and stability. It did not specify what structures would need to be created for this purpose. These structures have been built over time, with different layers of engagement from 1994 onwards, as prior to this date relations with so called non-participating Mediterranean States were rather loose. These layers consisted of special structures for the dialogue (informal Contact Group, Mediterranean conferences), access to deliberations of participating States (access to the Permanent Council, Forum for Security Cooperation), operational aspects (possibility to second staff, participation in election observation), and specialised activities and projects (such as workshops on specific issues of interest). It must be mentioned here that representatives of MPCs often express frustration with the structures and mechanisms in place, and have been lobbying for better use of existing structures, more access and input into the deliberations of the OSCE, and more ownership of the process. At the same time, participating States occasionally criticise low uptake of existing possibilities by the MPCs.

### 4.1 Types of engagement

#### *Special structures for the dialogue*

The priority for the first years of the Mediterranean dialogue following the 1994 decisions on the Partner Status has been the creation of special structures for those states, and this effort developed mostly at the political level, and was process-oriented, rather than goal-oriented. Meetings of the informal Contact Group with the Mediterranean partners and OSCE Mediterranean conferences, chaired by the incoming Chairmanship of the Organization (in 2014 Serbia, in 2015 Germany) carry the main responsibility for the dialogue. Contact Group events provide for an exchange of information and discussion on issues of mutual interest between the MPCs and the OSCE participating States. The OSCE annual Mediterranean conferences offer the opportunity to explore a variety of issues. Occasionally (at least until 2009,) they take place in Partner States, providing an important venue for contact.

Especially the informal Contact Group would require some scrutiny. Both Partner States and participating States expressed in the past disappointment with the Contact Group for a number of reasons: its informal status and thus lack of access to decision-making in the Organization by MPCs; need for more ownership by Partner States in the context of the work of the Group; lack of adequate level of representation from participating States; the formalised agendas of the meetings; and lack of adequate input and feed-back from Partner States, especially as a group. The Declaration on Co-operation with the Mediterranean Partners agreed upon at

the 2014 Basel Ministerial Council of the OSCE suggests that the Contact Group "should be more proactively used."<sup>21</sup> This, however, may not be sufficient. Different ways of reforming the Contact Group appear possible: upgrading the status of the Group; providing for some opportunities for relevant decisions to be taken in its context; the creation of working groups under its umbrella; chairing or co-chairing arrangements for MPCs, for example on specific subjects or in such working groups; and finally closer link between the Permanent Council and the Contact Group in view of assuring better awareness and follow-up by both participating States and Partner States. The upcoming twentieth anniversary of the creation of the informal Contact Group offers a great opportunity to take stock of its achievements but also consider ways of reforming it. The eyes will thus be on the German Chairmanship of the Contact Group in 2015, which could contribute to changing the dynamics of the work of the Group.

As for the annual conferences, it should be assessed how to make it more attractive for MPCs to host them; how to involve civil society and link up to academic networks; and most importantly, how to assure that there is continuity and follow-up, also at the level of the Permanent Council.

#### *Access to deliberations of participating States*

The Partner States have, however, consistently lobbied for access to deliberations of the participating States. Although participating States decided, as far back as 1994, to invite Mediterranean states to attend Permanent Council (PC) and Forum for Security Cooperation (FSC) meetings devoted to Mediterranean issues, it was only in 2008 that the then Spanish Chairmanship of the OSCE changed the seating arrangements, accommodating the Partner States at the main table and making the invitation to the weekly PC and FSC meetings practically a standing one. They participate as observers in the OSCE Ministerial Council Meetings and Summits and in all annual events of the OSCE. To sum up, Partner States can observe and speak when relevant issues are on the agenda, but cannot participate in decision-making of the Organization. Their inability to participate in decision-making, even when the decisions pertain directly to the Mediterranean dialogue, has occasionally been highlighted by MPCs as a shortcoming. In response to that, representatives of participating States have informally pointed out that giving Partner States a role in decision-making would further overwhelm the difficult process of decision-making in this large regional organisation, and blur the difference between "members and non-members". However, some say that limited decision-making access under specific circumstances and on selected issues could be imagined (see above for ideas on how to utilise the informal Contact Group better). Thus, the issue of limited and defined access by MPCs to decision-making on specific issues could be reviewed in the context of the Helsinki +40 process.

<sup>21</sup> OSCE, *Declaration on Co-operation with the Mediterranean Partners*, cit.

Partner States also regularly participated in deliberations on European security architecture (such as discussions that led up to the 1990 Paris declaration, the "Security Model" in 1996, the 1999 Charter for European Security) and showed a great deal of interest in such discussions. Interestingly, it is the latest such process, Helsinki +40, that (so far) has not provided Partner States with an adequate opportunity to participate in and contribute to the deliberations, even on the issue of the OSCE's relations with the Partner States, to the chagrin of their delegations. Thus, although much has been done to provide access to the Organization and its work for Partner States, some areas for clarification of the extent of access and political cooperation remain, even keeping in mind the need to distinguish between states that are members and those that are not.

### *Operational aspects*

The Mediterranean dialogue has also taken on a more operational dimension. The OSCE Permanent Council adopted a decision in 1998 providing for representatives of the MPCs, on a case-by-case basis, to participate in the OSCE Office for Democratic Institutions and Human Rights (ODIHR) election monitoring and supervision operations, and to make short-term visits to the OSCE Missions in order to continue to familiarize themselves with the OSCE experience and the comprehensive approach to the work undertaken in the field.<sup>22</sup> Partner States are also invited, on a voluntary basis, to second mission members to OSCE field operations. The OSCE Secretariat also provides opportunities for Junior Professional Officers and interns from Partner States. Recently, the Secretariat also offered short-term placements for nationals of Partner States into the OSCE Border Security and Management National Focal Point Network. The Mediterranean Partner States have been encouraged to take advantage of these decisions, but the response has been muted, and this has discouraged further initiatives. It would be worthwhile to discuss and possibly address the root causes of this low uptake of such possibilities. Overall, operational cooperation certainly should be enhanced and made more visible.

### *Specialised events and projects*

Since Partner States do not sign up to nor are bound by the OSCE *acquis* of documents and decisions, participating States had to consider how to encourage them to consider some aspects of the OSCE's commitments. The formulation that was developed in 2003 called for voluntary implementation.<sup>23</sup> The ways in which participating States and OSCE institutions have responded to this notion

<sup>22</sup> OSCE, *Permanent Council Decision No. 233: Invitation to Mediterranean Partners for Co-operation to Observe Elections and Visit OSCE Missions* (PC.Dec/233), 11 June 1998, <http://www.osce.org/pc/20547>.

<sup>23</sup> "We will encourage them to voluntarily implement the principles and commitments of the OSCE and will co-operate with them in this as appropriate." See OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, para 23, in *Eleventh Meeting of the OSCE Ministerial Council*, Maastricht, 1-2 December 2003 (MC.DOC/1/03), p. 1-10, <http://www.osce.org/mc/40533>.

of voluntary implementation is significant: over time, specialised events on a number of selected themes proposed by the Partner States (for example recently on environment and security in the southern Mediterranean, sustainable energy in the southern Mediterranean, legal instruments in counter-terrorism, trafficking in human beings, the Code of Conduct on Politico-Military Aspects of Security,<sup>24</sup> and counter-terrorism and hostage-taking) have been implemented by various specialised structures of the Organization in a decentralised way. These may have been side events, special workshops, or low-key projects involving one or more Partner States. Quite helpful in that respect have been translations of relevant best practice documents into Arabic language, of which there is now a substantial number. Often, these seminars and workshops are one-off events, with little follow-up. Although more on the funding issue will be provided below, it is worth saying here that all of them are funded by voluntary contributions provided mostly by one or more participating States, which accounts for a certain lack of continuity.

These specialised events and projects follow certain "rules of engagement". In the words of the Secretary General, "for the OSCE to be activated three conditions need to be met: (1) A clear request be received from the Partner state; (2) A consensus decision by pS [participating States] would have to be taken for the implementation of any activity outside of the OSCE territory; (3) Adequate extra-budgetary resources would need to be made available to fund the activities."<sup>25</sup> While point 1 and 3 are touched upon in this paper in the context of themes and publics, as well as funding, point 2 deserves particular attention. This restriction is linked to a debate in the OSCE concerning the possibility of providing assistance to Afghanistan, a Partner State of the OSCE. The different views of the participating States on the desirability and viability of such activities resulted in an agreement that they could be carried out in principle on the territory of participating States, but not Partner States (unless submitted to decision to participating States, where they would be subject to difficult and possibly prolonged debates). This applies also to efforts to provide training and project assistance to the countries of North Africa. In particular, it appears necessary to try to overcome the obstacles to the implementation of activities on the territory of Mediterranean Partner States by agreeing on the necessity of such activities and/or streamlining the relevant decision-making processes.

Overall, it would be useful to have a more strategic approach to such project activities. One idea that has been floated recently and does deserve attention here is the notion of negotiating individual action plans with Mediterranean Partner States, reflecting their different needs and expectations and formalising commitments through a

<sup>24</sup> Derek Lutterbeck and Monika Wohlfeld, "OSCE Code of Conduct: Regional Conference for the Mediterranean", in *Med Agenda*, Special issue (January 2014).

<sup>25</sup> Lamberto Zannier, *Address to the OSCE Parliamentary Assembly Mediterranean Forum "Making the Mediterranean a Safer Place: Creating an Area of Freedom, Security and Justice"*, Dubrovnik, 9 October 2011, <http://www.oscepa.org/publications/all-documents/autumn-meetings/2011-dubrovnik/speeches-5/647-address-by-amb-lamberto-zannier-to-the-mediterranean-forum-eng>. See also *Chairmanship Background Paper Instruments that the OSCE could offer to its Partners for Co-operation* (CIO.GAL/41/11), 18 March 2011.

multi-year framework. This could be done initially with one or two states. In fact, all Mediterranean Partner States have recently submitted more or less elaborated, formal indications as to areas in which they would wish to see further support or have an interest in learning more about. And while formalisation may not be necessary or possible, and adequate funding may be an issue, more focus on such longer-term perspective in the form of individual action plans would help avoid the problem of lack of continuity and reduce the uncertainty about Partner States intentions. This would have to take place in parallel to regional efforts involving all Mediterranean Partner States, and would have to be transparent and conducive to the goals of OSCE's Mediterranean dialogue.

Another very interesting idea has been put forward by Malta, which has suggested the creation of an OSCE Centre of Excellence for Mediterranean Partners in Malta, focusing on rule of law, justice and the fight against terrorism. The Centre would allow for bundling of efforts and resources, and harnessing the participating States' and Partner States' shared interest in pursuing specific specialised events and projects in the realm of rule of law, justice and the fight against terrorism.<sup>26</sup> The discussion on the proposal for an OSCE Centre of Excellence are in their early stages, and its creation would require interest and support from all six Mediterranean Partners, but such a Centre would clearly allow for focusing and strategising as well as enhancing efforts in these important realms.

#### *4.2 Specific aspects of the dialogue*

This section focuses on a number of specific aspects of the dialogue that require attention in the context of the discussion of the future engagement of the OSCE with Mediterranean Partners. These are: the process of decentralisation of activities with Mediterranean Partner States within the Organization, the viability of a regional approach and/or one based on relations with individual Partner States, the issue of ownership, and finally the funding situation.

##### *Decentralization*

It is worth highlighting what could be called "decentralisation" of the dialogue to various structures of the Organisation. Increasingly, the possibilities for support and consultations from the various institutions and offices of the OSCE have grown. Once a topic of common interest is identified (and funding is made available), the relevant institution or office provides expertise or organises a seminar or workshop on it. Side events for Partner States have been organised on the margins of various specialised OSCE meetings. A number of handbooks or manuals on specific aspects of OSCE commitments prepared by the various structures of the Organisation

<sup>26</sup> Lamberto Zannier, *Welcoming Remarks at the international seminar "Towards 'Helsinki +40': The OSCE, the Global Mediterranean and the Future of Cooperative Security"*, Rome, 18 September 2014, <http://www.osce.org/sg/124557>.

have been translated into Arabic (and made relevant for the region in question) after Mediterranean Partners showed interest in them, and voluntary funds were identified for this purpose. The decentralisation of efforts to provide expertise and support is a welcome trend and should be encouraged further, but in the context of a longer-term strategic perspective.

Arguably, it is the parliamentary dimension of the dialogue and cooperation that provides strong impulses (but also further highlights the occasional rifts between the intergovernmental and inter-parliamentary approaches within the Organization). The OSCE Parliamentary Assembly (PA) appoints a special representative on the Mediterranean and holds special sessions on the region. The PA also invites parliamentarians from the MPCs to join its election observation efforts,<sup>27</sup> and upon invitation observes elections in them. It also has championed the notion of admission of new Partner States, invited Palestinian and Libyan delegations to its events and called for a more pro-active stance of the OSCE in providing assistance to Partner States in the wake of the Arab Spring.

OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has also been very active, particularly following the events of early 2011 in North Africa. According to its former Director, ODIHR can provide its expertise in seven areas: elections; political party legislation; independence of the judiciary; national human rights institutions; human rights and combating terrorism; hate crimes; and facilitating participation in the OSCE meetings.<sup>28</sup> ODIHR advanced practical support efforts in these areas by pursuing an impressive set of projects.<sup>29</sup> Most of the activities took place upon request of Tunisian authorities.

There has also been increased involvement of the various specialised sections of the OSCE Secretariat, working on issues such as transnational threats, trafficking in human beings, and politico-military aspects of security.

<sup>27</sup> Parliamentarians from participating States took part in election monitoring in Partner States with the first such event in 2004, when the PA sent a small delegation to monitor the Algerian presidential election. See the brief report on the mission to Algeria in the OSCE Parliamentary Assembly brochure OSCE PA Election Observation, January 2004-December 2007, <http://www.oscepa.org/publications/reports/special-reports/election-observation-reports/brochures/1124-2004-2007-election-observation-brochure>. The PA observed the elections in Tunisia in October 2011. See the statement by the OSCE Parliamentary Assembly, *Elections for Constituent National Assembly signal the Tunisian people are on their way to guaranteeing human rights and democracy*, Tunis, 24 October 2011, <http://www.oscepa.org/publications/all-documents/election-observation/past-election-observation-statements/tunisia/statements-23/2150-2011-parliamentary-2>.

<sup>28</sup> Janez Lenarčič, *Remarks at the Third Meeting of the Mediterranean Contact Group*, Vienna, 13 May 2011, <http://www.osce.org/odihr/77541>.

<sup>29</sup> See for example *Co-operation between the OSCE Mediterranean Partners and the OSCE Office for Democratic Institutions and Human Rights (ODIHR)* (ODIHR.GAL/16/13), 12 March 2013; OSCE, *OSCE-Mediterranean Partner Countries' Civil Society Conference*, Vilnius, 4-5 December 2011, <http://www.osce.org/event/medcivilsociety2011>.



The decentralisation of the OSCE's efforts corresponds to the nature of the Organization and allows it to provide support to the Mediterranean Partners on a variety of issues. All of the OSCE institutions should be encouraged further and provided with funding for activities aimed at responding to the needs and interests of the Mediterranean Partner States within their mandates. The complex architecture of the OSCE, however, and especially the nature of linkages between the intergovernmental and the parliamentary aspects of its work, must be explained clearly to the Partner States, and cooperation among them enhanced.

#### *Regional or individual states approach?*

The OSCE encourages cooperation among the Partner States, including in the context of the Contact Group. This is relatively unique, as the EU's European Neighbourhood Policies and to a large extent also NATO's Mediterranean dialogue are based on a "spoke and hub" principle, whereby individual agreements or action plans are pursued.

However, the Mediterranean Partner States are obviously not a coherent group, and they have seldom managed to speak with one voice in the OSCE, even on matters of common interest to them. Furthermore, even bringing them together around one table is occasionally a difficult feat, depending on the level of political tensions in the region. Nevertheless, the OSCE encourages cooperation among the Partner States, including in the context of the Contact Group. It has also become clear that in addition to encouraging MPCs to act as a group, thus taking a regional approach, individual contacts with the Partner States should be pursued, as well as contacts with regional organisations such as the League of Arab States and African Union. It is in this context that the idea of individual action plans also appears worth considering. However, as already mentioned, such efforts need to be transparent and available to all Partners in an equal way. They also have to be in line with the goals of the Mediterranean dialogue and principles of the Organization.

#### *The issue of ownership*

MPCs regularly complain about the lack of ownership of the process on their part. For example at the Vilnius Ministerial meeting, MPCs expressed frustration with their limited influence on decision-making on relevant issues, and lack of concrete results of the dialogue. Granted, there is awareness in the OSCE that the dialogue should not be a one-way street, and that the Mediterranean Partners should be seen not only as beneficiaries but also as contributors in the OSCE context. There have been, for example, attempts to ensure that annual Mediterranean conferences take place in one of the Partner States (rather than in one of the participating States). Also efforts have been made to focus on topics and formats of interest for the Partner States with the goal of increasing their ownership of the process of dialogue.

But overall, the effort to present the dialogue as a two-way street has not been very easy or credible, for several reasons, such as low attendance of the Contact Group, slow formulation of requests for assistance by MPCs, the fact that the Contact Group

and other events are chaired by participating rather than Partner States (although the agendas are set in cooperation with the latter), and lack of follow-up by the Permanent Council to Contact Group meetings and Mediterranean conferences. Admittedly, the Chairs of the Mediterranean dialogue (incoming Chairmanship-in-Office of the Organisation) do not always have a particular interest in Mediterranean issues and some feel that the key challenge in this respect is to avoid any situations that would discredit them as future Chair of the OSCE.

The question of ownership indeed must be posed not only for Partner States but also participating States. While some regularly skip Mediterranean events, and show little interest in its debates and funding issues, it must be recalled that especially NATO and EU members have other venues for interacting with the southern Mediterranean countries. This lack of engagement does however undermine any efforts aimed at pursuing a serious dialogue with these countries in the context of the OSCE.

Thus, there is a strong need to ensure ownership of the Partner States of the process of cooperation, for example, by reforming the role and modus operandi of the informal Contact Group (see above), and/or assigning chairing or co-chairing roles in some aspects of the dialogue to Mediterranean Partners. This would have to be done in a transparent manner and in agreement with all Mediterranean Partner States. There should also be better follow-up to Contact Group meetings and Mediterranean conferences within the Organization, for example, in the context of Permanent Council meetings, in order to make these events more effective but also to involve all participating States. Nevertheless, ensuring ownership may be a difficult task in the absence of a clear common view of purpose, as shown by the experience of the Union for the Mediterranean.

### *Funding*

The part of the annual budget of the Organisation (which in itself, is small compared to other organisations) devoted to the Mediterranean dialogue is miniscule. The Mediterranean Partners do not pay into the annual budget, but can make voluntary or in-kind contributions (particularly by co-organising events or activities). Their voluntary contributions, if any, have been negligible, and it would be difficult to expect the MPCs to assume the costs of partnership activities, particularly in view of the socio-economic and political situation in most of them. A number of participating States provide the voluntary funds needed to keep the activities going. In response to the frustrations of this process, a voluntary Partnership Fund was set up by the participating States in November 2007<sup>30</sup> after difficult deliberations. In June 2014, the OSCE Secretariat reported that since its inception 1,675,686 euros of voluntary funds have been channelled through the Fund.<sup>31</sup> This is a relatively small

<sup>30</sup> OSCE, *Permanent Council Decision No. 812: Establishment of a Partnership Fund* (PC.DEC/812), 30 November 2007, <http://www.osce.org/pc/29502>.

<sup>31</sup> OSCE, *Factsheet on OSCE Partners for Co-operation*, June 2014, <http://www.osce.org/ec/77951>.

amount. The Fund has been used to support a number of practical activities, mostly workshops on narrower specific topics. And only a small number of usual suspects among OSCE participating States contributed to the Fund (and showed interest in other aspects of the dialogue). In addition, more recently, some participating States have preferred funding activities directly, and others have chosen to make funding available to other pressing needs in the Organization instead of the Mediterranean dialogue. Of course, for participating States to make voluntary funding available, Partner States have to come up with relevant and sustainable project requests. However, as the Mediterranean Partner States show interest in some aspects of OSCE's *acquis* and increasingly put forward requests for specialised events and projects on these aspects, one may really ask the question whether this funding situation does not reflect a problem of ownership not only for Partner States but also for quite a few participating States of the Organization. Thus, the funding for the Mediterranean dialogue is inadequate and current procedures are not doing it justice. Any decisions on the way forward in the dialogue need to be accompanied by a good hard look on how to ensure its financial viability, possibly providing some "seed money" in the Organisation's regular budget or aiming at establishing cooperation with relevant private or public institutions.

#### *4.3 Cooperation on Mediterranean issues with other organisations*

Given the overlapping membership as well as similarities of mandates and areas of engagement of the OSCE with other organisations that make up the European security architecture, an important aspect of its work is cooperation with such organisations. This applies also to its work on Mediterranean issues. But also cooperation with regional organisations in the Mediterranean is being pursued. Both aspects deserve closer attention.

##### *Cooperation with organisations in the OSCE area*

The OSCE, as a UN Chapter VIII organisation, co-operates with the United Nations as a primary partner. The UN, just like the OSCE, recognises the close interlinkage of security in Europe and the Mediterranean and there have been occasional joint activities and cooperation on Mediterranean issues, for example, on migration in the Mediterranean. Following the Arab Spring events, the issue of possible support by the OSCE to countries in transition in North Africa has been presented in 2011 as one that has to be seen in the context of cooperation with the UN and regional organisations. In fact, the Lithuanian Chairman-in-Office (CiO) of the OSCE corresponded on this matter and met with the UN Secretary General in March and April 2011. A press release related to one of the conversations indicates that the CiO specified that "the OSCE, including through its Office for Democratic Institutions and Human Rights which has extensive experience in providing electoral support, stands ready to share its expertise with Tunisia and Egypt in an international effort

co-ordinated by the UN.”<sup>32</sup> While the OSCE’s offer and activities implemented (such as the Parliamentary Assembly’s short-term election observation in Tunisia and ODIHR election-related projects, also mostly focused on Tunisia), must be applauded, it is clear that UN’s primary concerns in the region lie elsewhere. The OSCE, however, is not in a position to contribute to addressing the challenges the UN encounters particularly in Libya, Syria, Iraq, and the Middle East, because of both its geographic reach and the structure of the dialogue. Indeed, it appears that the situation in North Africa has been dropped from the key issues on the common agenda, possibly also due to OSCE’s current preoccupation with other issues.

The OSCE as a regional organisation under UN Chapter VIII pursues the goal of close cooperation with organisations in its area, specifically with the EU, NATO and the Council of Europe, and there are numerous declarations committing the organisations to closer cooperation and cooperative mechanisms at the political level, working level (staff meetings and information exchanges), in the field and through joint projects and activities. However, the different Mediterranean dialogues that each of these players pursue<sup>33</sup> have not been at the centre of such efforts. This is changing somewhat as a result of the Arab Spring events, as the rethinking processes of these organisations combined with the, at times, fast-paced developments in the region, and the extent of MPCs’ stated needs drive home the need for cooperation. Much more could be done however, to place the issue of efforts to respond adequately to the situation in the Mediterranean more squarely on the common agendas of these organisations. In this respect, the OSCE’s concept of a Platform for Co-operative Security, agreed upon in 1999, has occasionally been referred to. This concept specifies the goals and modalities of cooperation, and it also states that “as appropriate, the OSCE can offer to serve as a flexible framework for co-operation of the various mutually reinforcing efforts.”<sup>34</sup> While it is clear that no organisation wishes to be coordinated by another, given the differences in membership, purpose and working methods, the Platform for Co-operative Security does allow for closer cooperation efforts in the OSCE area, and could be the basis for calling one or a series of conferences with partner organisations aimed at reviewing both the needs in the Mediterranean region and the various responses to them, should partner organisations be interested in such a coordination.

<sup>32</sup> OSCE, *UN Secretary General, OSCE Chairperson discuss international community’s engagement with Egypt and Tunisia*, 5 April 2011, <http://www.osce.org/cio/76465>.

<sup>33</sup> The EU pursues relations with Mediterranean states *inter alia* through the European Neighbourhood Policy and the multilateral Union for the Mediterranean; NATO pursues relations with Mediterranean states through its Mediterranean dialogue in the NATO+1 and NATO+7 formats and Individual Partnership Cooperation Programs, and the Istanbul Cooperation Initiative; the Council of Europe pursues relations with Mediterranean states through its North-South Centre and the Neighbourhood Strategy. The memberships of these various initiatives overlap to some degree, but the groups of countries that are involved in each other are not the same. Also, the agendas of these initiatives overlap in some areas, however, also show substantial differences.

<sup>34</sup> OSCE, *Istanbul Summit Document*, cit., p. 45.

The question may be posed here as how far the OSCE can contribute to the efforts to address the challenging situation in the Mediterranean region, given the scope of activities of its partner organisations and the substantial resources that some of them are able to rely on. However, the input the OSCE provides – in a dialogue mode, with no strings or preconditions attached, focusing on interesting the Mediterranean Partner States in its *acquis* and explaining the functioning of a cooperative security framework with a comprehensive understanding of security – has its role to play in the region. Although the experience of working through a regional, inclusive and comprehensive organisation, based on consensus and the understanding that states are accountable to each other and to their citizens may not always have a visible and immediate impact, it is surely worth pursuing. In addition, the OSCE's expertise on specific issues that it shares with MPCs on a request basis is acknowledged as valuable. Thus, the OSCE certainly has a contribution to make, in cooperation with other actors.

#### *Cooperation with other organisations in the Mediterranean region*

In principle, the OSCE can pursue contacts with regional organisations outside its area in the context of the United Nations (UN), in particular under the Chapter VIII of the UN Charter. A number of OSCE documents<sup>35</sup> refer to the need to broaden dialogue on specific issues with regional organisations beyond the OSCE area, and in some cases some are named, including the Organization of the Islamic Conference, the League of Arab States and the African Union, and indeed contacts and exchanges have been established. The need to cooperate with the League of Arab States (LAS) is specifically underlined by the Chairman-in-Office (CiO), the Secretary General (SG) and by the OSCE Parliamentary Assembly (OSCE PA),<sup>36</sup> and the Secretary General has suggested that some projects could be channelled through LAS. Of course, it has to be kept in mind that not all of the Mediterranean Partners are members of these organisations, and such contacts or projects have to be transparent to all and conducive to the goals of the dialogue. In particular the latest events in the Middle East point to the difficulties linked to the latter aspect.

The links with these regional organisations allow for dialogue on a region-to-region basis; they give a role to Partner States; and as mentioned previously, they allow for communication with States that are not part of the Mediterranean dialogue. The pursuit of closer relations with regional organisations such as the League of Arab

<sup>35</sup> See for example the Bucharest Plan of Action for Combating Terrorism, decided upon at the *Ninth Meeting of the OSCE Ministerial Council*, Bucharest, 3-4 December 2001, <http://www.osce.org/mc/40515>; and the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, decided upon at the *Eleventh Meeting of the OSCE Ministerial Council*, Maastricht, 1-2 December 2003, cit.

<sup>36</sup> See for example OSCE PA *Statement on North Africa*, 25 February 2011, <http://www.oscepa.org/NEW/news-a-media/press-releases/177>; "OSCE should work with other regional, global organizations to promote security: chief", in *People's Daily Online*, 16 February 2011, <http://english.peopledaily.com.cn/90001/90777/90856/7289283.html>; Lamberto Zannier, *Address to the OSCE Parliamentary Assembly Mediterranean Forum "Making the Mediterranean a Safer Place..."*, cit.

States and African Union under the chapeau of the UN is a venue that could bring added value to the participating States in the OSCE, and could be elaborated more clearly.

## 5. Dimensions and themes

The section of the Helsinki Final Act that focuses on the Mediterranean speaks largely of economic and environmental aspects, as well as politico-military aspects (such as contributing to peace, reducing armed forces in the region, strengthening security, lessening tensions). Human dimension aspects are largely absent, apart from a mention of "justice" in the preamble. This is striking, as the Helsinki process is hailed for *inter alia* its focus on respect for human rights and fundamental freedoms.

Discomfort with the human dimension in the context of the Mediterranean dialogue has continued. If it is mostly discussed, it is in relation to the comprehensive approach to security. Little more could be expected from an organisation with the OSCE's profile and membership and given the situation in the region. Arguably, the Arab Spring highlighted the universality of human rights, and the need to place them more adequately on the agenda of organisations and frameworks that cooperate with the countries of North Africa. However, even after 2011, there have been significant differences between the various Mediterranean Partners' approaches to human dimension issues.

But other aspects of the OSCE *acquis* have also been difficult to approach in the Mediterranean dialogue. The core concepts of the OSCE political-military dimension, Confidence and Security-Building Measures (CSBMs), arms control or the OSCE Code of Conduct on Politico-Military Aspects of Security, although sorely needed in a region that was marked by rivalries and militarisation, could not be discussed, except in the context of comprehensive security. This has also changed for some but not all of the MPCs.

It needs to be said that in the past, it was at times difficult to find a range of topics of interest to MPCs for discussion. The subjects that drew interest were related to tolerance and non-discrimination, migration and migrants' human rights issues, including in countries of destination, as well as water management, desertification, anti-terrorism measures and other related topics. These continue to be of interest, but it is worth noting that the post-Arab Spring political situation allows for broadening the set of issues. Indeed, the 2014 Basel Ministerial Council Declaration on Co-operation with the Mediterranean Partners provides a fairly extensive (but by no means complete) list of subjects that the dialogue should address.<sup>37</sup>

<sup>37</sup> OSCE, *Declaration on Co-operation with the Mediterranean Partners*, cit.

Furthermore, it must be noted that now Partner States emphasise the need for more concrete, operational and results-oriented cooperation tailored to the needs of individual Partners rather than just discussion. The efforts of the Organization should thus continue to emphasise and be guided by the comprehensive approach to security. The idea of individual action plans may allow for better responses to those Partner countries which do wish to pursue closer cooperation on specific aspects.

A few words need to be said about one subject that is largely kept off the agenda of the Mediterranean dialogue in the OSCE, at least in its intergovernmental form (as the OSCE Parliamentary Assembly does regularly discuss it) – the Middle East conflict. While a number of participating States in the OSCE do not wish to turn the Organization's Mediterranean dialogue into another forum blocked by this issue (and some plainly do not want to weaken other fora seized with this matter), the Arab MPCs consider this issue as a key one in the context of any multilateral fora. This has several implications in the context of the Organization: from the differences on the Palestinian National Authority application to become an MPC, to Israel's standing in the group, to the Arab MPCs' occasional disappointment with the dialogue. Little can be said here about how to proceed on this issue, given the current level of tension.

## 6. Constituencies and visibility

The Helsinki Final Act does not specify channels or publics the CSCE could use to intensify cooperation in the Mediterranean region. And while the agenda of the CSCE and later OSCE was quickly picked-up by civil societies and NGOs in the OSCE area, this has not happened in the context of the Mediterranean dialogue (although that has also been changing in some of the Partner States since 2011). Indeed, both sides have mostly used diplomatic and occasional high-level political channels.

The focus on diplomatic and political channels had implications at a variety of levels, but the key problems were the lack of awareness of OSCE and its principles in the Mediterranean Partners, as well as weariness of the diplomatic and political constituencies in Mediterranean Partner States of some aspects of the OSCE's *acquis*, in particular the Human Dimension and its work with civil society and ultimately, also lack of visibility of the OSCE's efforts. These aspects have somewhat changed in a number of countries as a consequence of the Arab Spring events, as domestic publics now demand to know what their governments are doing, including in their foreign policies, but much remains to be done.

As discussed in the section on decentralisation of efforts, the OSCE Parliamentary Assembly is doing a good job of reaching out to parliamentarians from Mediterranean Partner States. This is an important aspect of the effort to overcome the lack of awareness of the OSCE, its working methods and its *acquis*, and provides

a modicum of visibility to the Organization in Mediterranean Partner States. Also ODIHR's work with Tunisia in the recent past can be expected to provide visibility and resonance in other Mediterranean Partner Countries.

Some new efforts have also been undertaken to reach out to Non-Governmental Organisations (NGOs) in the Mediterranean since the Arab Spring. The joint OSCE-Mediterranean Partner Countries' Conference for Civil Society in Vilnius, entitled "Transparency and Pluralism in Electoral Good Practice, Political Participation, Justice and Legal Reform", held in December 2011, provided a number of suggestions that inter alia "call on OSCE participating States to provide for greater involvement with the OSCE Mediterranean Partners for Co-operation. This should include a range of support programmes, such as providing expertise, training, and other activities aimed at increasing the capacity of civil society organizations, including those observing elections, and working on issues of gender equality, youth and minorities."<sup>38</sup> It needs to be mentioned that other actors, such as the European Union, are also increasingly reaching out to civil societies and NGOs in the region, and cooperation in such efforts would be beneficial.

The recently-proposed New-Med Research Network, a new OSCE-related Mediterranean Track II initiative, which aims at fostering active participation from research and academic institutions to foundations and other actors and wants to bring together individuals from both sides of the Mediterranean for a dialogue on security and cooperation in the region, may help overcome the problem of lack of awareness. "New-Med will operate beyond diplomatic channels, but will strongly rely on inputs coming from governments, thus aiming at contributing original but viable proposals on how to strengthen 'track 1' dialogue taking place in institutional settings in the Mediterranean region."<sup>39</sup> The work on the network is supported financially by Italy,<sup>40</sup> and much of the funding comes from a private independent foundation, the Compagnia di San Paolo. This provides an opportunity to use the network to build additional bridges with civil society actors. The Network could also provide new perspectives by including members from Southern Mediterranean countries that are currently not part of the OSCE Mediterranean Partnership. The Network could focus on critical new issues and challenges such as failing/failed states in the region. It could also be seen as an effective platform for discussing some of the ideas and proposals that are put forward in order to improve and/or expand the OSCE Mediterranean Partnership. It could also play an important role in generating and channelling proposals for the Helsinki +40 process. The Network could thus contribute to sustaining the Helsinki +40 process throughout its duration, and give much needed visibility to the OSCE partnership with Mediterranean

<sup>38</sup> *OSCE-Mediterranean Partner Countries' Civil Society Conference*, Vilnius, 4-5 December 2011, Final Recommendations. <http://www.osce.org/odihr/85800>.

<sup>39</sup> IAI, *Report of the international workshop on the "Global Mediterranean: A New Agenda for Multilateral Security Cooperation"*, Turin, 4-5 June 2014, <http://www.osce.org/networks/123632>.

<sup>40</sup> On 5 June 2014, an international workshop was held in Turin, Italy, set up by a Mediterranean Focal Point recently established in the Office of the Secretary General at the proposal and with funding from Italy.



Partners. The coordinator for the Helsinki +40 cluster on partners, the Ambassador of Mongolia, as well as the 2015 Serbian Chairmanship-in-Office of the OSCE and German Chairmanship of the informal Contact Group could therefore invest in the network development and exhort participating States to support the initiative beyond the first year of activity. Thus, the New-Med network should be endorsed and made more sustainable.

Other venues for dialogue with broader publics in Mediterranean Partner States are needed. Mainly, better outreach to different constituencies and publics in Mediterranean Partner States – journalists, youth, civil society – would help address the lack of awareness and visibility of the OSCE. This may have to be done, at least in some cases, in association and possibly through diplomatic and political channels. In the words of the OSCE Secretary General, “for the OSCE’s potential contribution to be fully appreciated on the southern shore of the Mediterranean, we need to make our Organization better known and to engage with all facets of society.”<sup>41</sup>

### Conclusion: The way forward in the context of the Helsinki +40 process

Forty years after the agreement on the Helsinki Final Act and in the midst of significant changes in the Mediterranean region, the OSCE is contemplating how to work towards a strong security community in its region. However, security communities have also an external dimension, which in the case of the OSCE has been elaborated for the Mediterranean region in the Helsinki Final Act and numerous subsequent decisions and documents. It is argued that the OSCE should pursue a strategy based, on the one hand, on re-emphasising and restating the goals of the Helsinki Final Act, and, on the other hand, making the dialogue with MPCs more outcome-oriented, more practical and more clear.

The areas that deserve attention in that respect and which could be considered as part of the Helsinki +40 review have been highlighted in this paper. Some already receive considerable attention but require decisions of participating States; others have so far been largely overlooked. Some are minor adjustments, others require considerable discussion.

The paper argues that the current situation in the Mediterranean region (and in the OSCE) is not conducive to a serious debate and steps towards closer cooperation with Mediterranean Partners. However, the comprehensive and cooperative approach to security remains key to dealing with conflicts and failing states and assistance must be provided to states that wish to move forward on some aspects of it. The regional dynamics in the Mediterranean must in the future be based on

<sup>41</sup> Lamberto Zannier, *Address to the OSCE Parliamentary Assembly Mediterranean Forum...*, cit.

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interaction, conflict prevention and cooperative relations, and there is space for frameworks such as the OSCE to contribute to this endeavour, in particular if it is done in cooperation with other players, such as the United Nations, European Union, NATO and the Council of Europe, but also regional organisations from the Mediterranean. Such a regional engagement would require reasserting the Helsinki Final Act vision and making the dialogue with Mediterranean Partner States more effective, responsive and operational and most importantly, less process- and more result-oriented.

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Via Angelo Brunetti, 9 - I-00186 Rome, Italy

T +39 06 3224360

F + 39 06 3224363

[iai@iai.it](mailto:iai@iai.it)

[www.iai.it](http://www.iai.it)

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